



The International League for Human Rights

(formerly The International League for the Rights of Man)

236 East 46th Street, 5th floor
New York, N.Y. 10017
Tel. (212) 972-9554
Cable HUMRIGHTS, N.Y.

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PETITION ON EAST TIMOR

PRESENTED TO THE
Fourth Committee of the General Assembly
of the United Nations

by

Roger S. Clark
Professor of Law
Rutgers University School of Law at Camden
Member of the Board of Directors of the International
League for Human Rights

on behalf of

The International League for Human Rights

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I appear before you today as representative of the International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council. Since its foundation in 1942 the League has taken a lively interest in matters of self-determination. It was therefore with considerable interest that we read the text of a very eloquent speech concerning aggression and self-determination delivered by the distinguished representative of Indonesia at a plenary meeting of this Assembly on 22 of September of this year. The issue being debated was whether to accept the credentials of one of two rival regimes purporting to represent Kampuchea. The representative of Indonesia said:

"The Government of Indonesia recognizes the regime of Democratic Kampuchea as the legal government of that country. In this connexion, the Government of Indonesia, together with other members of the Association of South-east Asian Nations (ASEAN), has made it clear that it deplores armed foreign intervention in Kampuchea which brought with it the administration now called the People's Republic of Kampuchea. It is clear- very clear- that this Government, the People's Republic of Kampuchea, was not established by the people of Kampuchea themselves, but emerged in Cambodia on the tail of a foreign intervention and a foreign invasion.... A peaceful solution

to the conflict would be to allow the people of Kampuchea to determine their own future, free from outside interference and influence." U.N. Doc. A/34/FV/4 at 27.

Fine words, Mr. Chairman. But sometimes governments suffer from myopia and are not able to apply the same standards to themselves as they apply to others. For exactly the same analysis that the representative of Indonesia made of events in Cambodia is applicable to the way in which the Indonesian government imposed its regime on the Timorese people.

Let me remind members of this Committee of the norms of international law involved in the East Timor case. The action of Indonesia in incorporating the Territory of East Timor is, in the League's view, in clear violation of the Charter of the United Nations and of Resolutions 1514, 1541 and 2625 of the General Assembly.

Indonesia, by its action against East Timor, has contravened Article 2, paragraph 4 of the United Nations Charter, which enunciates the principle that "all members shall refrain from the threat or use of force against the territorial integrity or political independence of any state." If the annexation of East Timor by Indonesia is regarded as a fait accompli and condoned

by the United Nations, it will become one of the few examples of the change of boundaries by force of arms since the Second World War and the founding of the United Nations. Indonesia's contention that it was invited by the East Timorese was rejected by the United Nations in the past and should not be accepted now. The integration of East Timor into Indonesia was without popular consent; it was an expansion by conquest.

The Declaration on the Granting of Independence to Colonial Countries and Peoples, Resolution 1514(XV), sets forth the right of all peoples to determine their political status free of armed action or repressive measures. Specifically, Paragraph 6 states that "any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." East Timor, a territory recognized by the United Nations as a non-self-governing territory, has been prevented from freely deciding its own destiny

by the unilateral military intervention of Indonesia. Any claims now made by Indonesia of a right to integrate East Timor based on geographical proximity or ethnic similarity must be contrasted with statements previously made before the United Nations in the context of the problem of West Irian. Indonesia stated repeatedly that it was the successor to the Netherlands in the Indonesian archipelago and categorically denied having any claim to territory on the island of Timor that was not part of the Netherlands East Indies. (Off.Rec.Gen.Ass.15th Sess. Pt. I, vol., I, plenary meetings, 888th mtg.)

Resolution 1541(XV) of the General Assembly states the principles by which a non-self-governing territory can reach a "full measure of self-government" in accordance with Article 73 of the Charter. It is complementary to Resolution 1514 (XV). Principle IX of Resolution 1541 (XV) which deals with the option of integration with an independent State, is particularly important in the present context. It provides that "the integration should be the result of the freely expressed wishes of the territory's

people acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems necessary, supervise these processes." The political processes on which Indonesia bases its claim to the legitimacy of its incorporation of East Timor cannot be said to constitute meaningful self-determination as outlined in Principle IX. No choice made in the atmosphere of military occupation is free and voluntary. No explanations of alternative choices were presented to the people. Furthermore, the so-called "People's Assembly" said to have petitioned for integration into Indonesia was not chosen on the basis of one person--one vote, but by "traditional" methods of appointment, a means commonly favored by colonial powers and much beloved by the regimes in Pretoria and Salisbury. There was also no supervision by the United Nations of the electoral process. Incorporation took place, in short,

under the aegis of a sham assembly installed through military occupation.

The Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, Resolution 2625 (XXV) as well as reiterating the principle that states shall refrain in their international relations from the use of force against the territorial integrity or political independence of any State, further elucidates the concept of the self-determination, freedom and independence of all peoples. It emphasizes the separate and distinct status of non-self-governing territories and the continued existence of that status until the people have freely exercised their right to self-determination without external interference. Thus, the right of self-determination and the non-self-governing status of East Timor will continue to exist until the people have actually exercised that right and by their own action changed that status.

A failure by the United Nations at this time to

uphold the principles of the Charter and the relevant General Assembly resolutions on decolonization with regard to Indonesia's interference with the legitimate development of self-government in East Timor would set a dangerous precedent for other small non-self-governing territories that are the object of the territorial ambitions of larger and more powerful neighbors.

The treatment of minorities within Indonesia, including West Irian, leaves little hope for the Timorese, who have resisted the denial of their right to determine their own future with courage and determination. Reliable sources report massive human rights violations within East Timor, including bombing and indiscriminate killing of thousands of non-combatants.

In July 1979, the International Committee of the Red Cross and the Indonesian Red Cross made a survey of East Timor in preparation for an emergency food and medical program which would effect about 60,000 displaced persons.

The survey established that the 60,000 persons, scattered in eight extremely remote villages were in desperate straits. The ailments most frequently encountered during the medical survey-apart from malnutrition- were malaria, intestinal diseases and parasites, and lung infections. (ICRC Bulletin, No.44, 5 September 1979.)

Only recently have the Indonesian authorities made it possible for a start to be made on the massive humanitarian effort that needs to be undertaken to ameliorate the vast suffering of the people of East Timor. The efforts of certain non-governmental organizations- the International Committee of the Red Cross, World Vision and Catholic groups- and the generosity of the Australian and New Zealand governments are to be commended. Much remains to be done.

We have urged that an independent nongovernmental organization be allowed to undertake an investigation in East Timor in order to provide an independent assessment of the current status of the Timorese people.

But in encouraging more humanitarian assistance we do not want to lose sight of the fact that this need came about because of Indonesian aggression. Accordingly we call upon you today to uphold again the inalienable right of the East Timorese people to determine their own political destiny and to implement that right through an orderly process of political development beginning with a referendum under the auspices and supervision of the United Nations. The resistance shown by the Timorese to Indonesian annexation is a clear demonstration of the strength and depth of the commitment of the people of East Timor to self-determination and independence.